

## **REMARKS**

Applicant has carefully considered the Office Action, and respectfully submits that the subject application is now in condition for allowance based upon the amendments presented herein and the following remarks.

### **Status of Claims**

The subject application was originally filed with 19 claims. In response to a Joint Restriction and Election of Species Requirement, Applicant elected claims 1, 2, 4-9, 12, and 14-18 for prosecution on the merits. In the present amendment, Applicant cancels claim 7 and amends claims 1, 2, 4-6, 8, 9, 12, and 14-18. Claims 1-6 and 8-19 remain pending with claims 3, 10, 11, 13, and 19 withdrawn.

### **Summary of the Office Action**

In the Office Action dated July 14, 2008, the Office:

- A) rejected claim 1 under 35 U.S.C. § 112, ¶ 2 as indefinite;
- B) rejected claims 1, 2, 4-9, 12, and 14-18 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-5, 12, 13, 16, 18, and 19 of U.S. Patent No. 7,328,920 (“Schneider”) in view of U.S. Patent No. 3,023,496 (“Millar”);
- C) rejected claims 1, 4-6, 8, 9, 12, and 14-17 under 35 U.S.C. § 102(e) as anticipated by U.S. Application Publication No. 2004/0094953 (“Luft”); and
- D) rejected claim 18 under 35 U.S.C. § 103(a) as unpatentable over Luft in view of U.S. Patent No. 4,410,205 (“Ingram”).

### **Rejections Under 35 U.S.C. § 112**

The Office rejected claim 1 under 35 U.S.C. § 112, second paragraph as indefinite. In particular, the Office stated that the recitation of “a hose assembly” in the preamble, followed by the statements “in particular, for pressurized devices,” and “specifically cooling devices for motor vehicles” rendered the claim indefinite. In the present amendment, Applicant has revised the preamble to recite a “corrugated pipe hose assembly for a pressurized devices” and removed all other limitations from the preamble.

Applicant believes this amendment to be fully responsive to the rejection of claim 1 under 35 U.S.C. § 112, and therefore requests that this rejection be withdrawn.

### **Double Patenting Rejection**

The Office rejected claims 1, 2, 4-9, 12, and 14-18 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-5, 12, 13, 16, 18, and 19 of Schneider in view of Millar. Claim 7 has been cancelled by the present amendment, and its rejection is now moot. Applicant traverses the double patenting rejection of claims 1, 2, 4-6, 8, 9, 12, and 14-18 for the reasons below.

Claim 1, as amended, recites at least one sealing bushing “disposed between the plurality of ribs of the corrugated pipe hose and the inner wall of the first tubular part such that the ribs of the corrugated pipe hose do not directly contact the first tubular part.” (Emphasis added.) Support for this amendment is found on p. 8, lines 10-22; p. 11, line 3 through p. 12, line 5; and Figures 1 and 5-7. No new matter has been added. The Office concedes that Schneider does not disclose or claim a sealing bushing. Instead, Schneider employs O-rings 25, 26 placed in “two

gaps between respectively two ribs” of the hose. See Schneider, col. 4, lines 60-66, and Figures 6-7.

In its double patenting rejection, the Office relies on claim 1 of Schneider, which recites a first pipe-shaped element an interior wall that “sealingly rests against at least one rib in the end area of the corrugated pipe.” Schneider, col. 6, lines 59-63. The Office further relies on claims 3-5, 12, 13, and 16 of Schneider, which depend from claim 1 and incorporate this limitation. Because these claims of Schneider require a rib of a pipe to rest against an interior wall of the pipe-shaped element, they are patentably distinct from claim 1 of the subject application, which recites “the ribs of the corrugated pipe hose do not directly contact the first tubular part.” The Office’s proposed modification of Schneider with the teachings of Millar would render Schneider unsatisfactory for its claimed purpose. See MPEP § 2143.01, 2145.

The Office further relies on claim 18 of Schneider, which recites a first pipe-shaped with an interior wall that “sealingly engages the sealing element disposed between adjacent ribs in the end of the corrugated pipe.” Schneider, col. 8, lines 14-18. The Office further relies on claim 19 of Schneider, which depends from claim 18 and incorporates this limitation. Because these claims of Schneider require a sealing element disposed between adjacent ribs to sealingly engage an interior wall of the pipe-shaped element, they are patentably distinct from claim 1 of the subject application, which recites a sealing bushing “between a plurality of ribs of the corrugated pipe hose and the inner wall of the first tubular part.” The Office’s proposed modification of Schneider with the teachings of Millar would render Schneider unsatisfactory for its claimed purpose. See MPEP § 2143.01, 2145.

For at least these reasons, the double patent rejection of claim 1 should be withdrawn. Because claims 2, 4-6, 8, 9, 12, and 14-18 depend directly or indirectly from claim 1, and incorporate by reference all of the limitations from this claim, the double patenting rejection of claims 2, 4-6, 8, 9, 12, and 14-18 should also be withdrawn.

Further, because claim 1, as amended, is generic to Figures 1, 5, 6, and 7, Applicant submits that withdrawn claims 3, 10, 11, and 13 should be rejoined and allowed upon the allowance of claim 1.

#### **Rejections Under 35 U.S.C. § 102(e)**

The Office rejected claims 1, 4-6, 8, 9, 12, and 14-17 under 35 U.S.C. § 102(e) as anticipated by Luft.

Claim 1, as amended, recites at least one sealing bushing, “wherein the at least one sealing bushing can be elastically deformed.” This language was taken directly from claim 7, now cancelled. No new matter has been added. The office concedes that Luft does not teach this element. For at least this reason, the anticipation rejection of claim 1 should be withdrawn.

Because claims 4-6, 8, 9, 12, and 14-17 depend directly or indirectly from claim 1, and incorporate by reference all of the limitations from this claim, the anticipation rejection of claims 4-6, 8, 9, 12, and 14-17 should also be withdrawn.

#### **Rejections Under 35 U.S.C. § 103(a)**

The Office rejected claim 18 under 35 U.S.C. § 103(a) as unpatentable over Luft in view of Ingram. Claim 18 depends directly from claim 1, and incorporates by reference all of the limitations from this claim.

As discussed above, claim 1, as amended recites at least one sealing bushing, “wherein the at least one sealing bushing can be elastically deformed.” The Office concedes that neither Luft nor Ingram teach this element. Therefore, the obviousness rejection of claim 18 should be withdrawn.

### CONCLUSION

In view of the remarks above and the amendments presented herein, it is believed that all claims are in condition for allowance and notice to such effect is respectfully requested. If the Examiner thinks a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at the phone number provided below.

If additional fees are due in connection with this Amendment, the Commissioner is authorized to charge Deposit Account No. **02-2051** designating Docket No. **29391-1**.

Respectfully submitted,

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